

CROWSON
VS
WASHINGTON COUNTY

BRETT LYMAN

April 16, 2018



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April 16, 2018

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

* * *

MARTIN CROWSON,

)

)

Plaintiff,

)

Case No. 2:15-cv-00880

vs.

)

Deposition of:

WASHINGTON COUNTY,

)

et al.,

)

BRETT LYMAN

Defendants.

)

COPY

* * *

April 16, 2018

9:00 a.m.

WASHINGTON COUNTY TREASURER OFFICE
197 East Tabernacle Street
St. George, Utah

* * *

Linda Van Tassell
- Registered Diplomat Reporter -
Certified Realtime Reporter

April 16, 2018

<p style="text-align: right;">2</p> <p style="text-align: center;">A P P E A R A N C E S</p> <p>1 For the Plaintiff: Ryan J. Schriever</p> <p>2 SCHRIEVER LAW FIRM</p> <p>3 51 East 800 North</p> <p>4 Spanish Fork, Utah 84660</p> <p>5 For the Defendant Frank D. Mylar</p> <p>6 WASHINGTON County: MYLAR LAW, PC</p> <p>7 2494 Bengal Boulevard</p> <p>8 Salt Lake City, Utah 84121</p> <p>9 For the Defendant Gary T. Wight</p> <p>10 Larrowe: KIPP & CHRISTIAN</p> <p>11 10 Exchange Place, 4th Floor</p> <p>12 Salt Lake City, Utah 84111</p> <p>13 Also Present: Brian Graf</p> <p>14 * * *</p> <p style="text-align: center;">I N D E X</p> <p>15 EXAMINATION PAGE</p> <p>16 By Mr. Schriever 3</p> <p>17 By Mr. Wight 79</p> <p>18 By Mr. Schriever 80</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">3</p> <p style="text-align: center;">P R O C E E D I N G S</p> <p>1 BRETT LYMAN,</p> <p>2 called as a witness on behalf of the plaintiff,</p> <p>3 being duly sworn, was examined and testified as</p> <p>4 follows:</p> <p>5 EXAMINATION</p> <p>6 BY MR. SCHRIEVER:</p> <p>7 Q. Would you please state your full name</p> <p>8 for the record.</p> <p>9 A. Brett Armand Lyman.</p> <p>10 Q. Brett is with one T or two Ts?</p> <p>11 A. Two.</p> <p>12 Q. And how do you spell Armand?</p> <p>13 A. A-r-m-a-n-d.</p> <p>14 Q. Where do you currently live?</p> <p>15 A. In Hurricane, Utah.</p> <p>16 Q. What's your phone number?</p> <p>17 A. (435) 632-8622.</p> <p>18 Q. Have you ever had a deposition taken</p> <p>19 before?</p> <p>20 A. No.</p> <p>21 Q. Well, as you are aware, I believe, we're</p> <p>22 here in regard to a lawsuit involving a man named</p> <p>23 Martin Richard Crowson. Are you familiar him?</p> <p>24 A. Yes.</p> <p>25</p>
<p style="text-align: right;">4</p> <p>1 Q. The allegations here are that there were</p> <p>2 some things that happened regarding medical</p> <p>3 treatment that shouldn't have happened. Do you know</p> <p>4 the incident I'm referring to?</p> <p>5 A. After reading about it, yes.</p> <p>6 Q. I'm going to get to that. A deposition</p> <p>7 is testimony under oath. There's obviously no judge</p> <p>8 here today. This is called a discovery deposition.</p> <p>9 A. Right.</p> <p>10 Q. Which means I get to ask you questions</p> <p>11 about the incident, about your memory of the event.</p> <p>12 The only thing I expect is that you'll give us</p> <p>13 truthful complete answers.</p> <p>14 A. Right.</p> <p>15 Q. From time to time I may ask you a</p> <p>16 question that your counsel will object to. That is</p> <p>17 usually for the purpose to make sure the objections</p> <p>18 are preserved later on so when we're in court he can</p> <p>19 argue that he did object.</p> <p>20 A. Right.</p> <p>21 Q. Most of the time you'll answer. If he</p> <p>22 doesn't want you to answer, he'll instruct you not</p> <p>23 to answer.</p> <p>24 A. Right.</p> <p>25 Q. It's not a marathon. I don't expect</p>	<p style="text-align: right;">5</p> <p>1 that we're going to be here -- we've got about three</p> <p>2 hours set aside for this but I don't think it will</p> <p>3 take that long but if you do need a break for any</p> <p>4 reason, let me know and we can do that.</p> <p>5 A. Right.</p> <p>6 Q. Do you have any questions as to what a</p> <p>7 deposition is?</p> <p>8 A. No.</p> <p>9 Q. Have you taken any medications that</p> <p>10 would impair your ability to understand questions</p> <p>11 and answer appropriately?</p> <p>12 A. No.</p> <p>13 Q. Just to give you a road map of the</p> <p>14 organization that I'm going to try to follow today,</p> <p>15 although it may be loose because I may follow your</p> <p>16 train of thought from time to time as well, I just</p> <p>17 want to get some background information about who</p> <p>18 you are and kind of what your experience is.</p> <p>19 A. Okay.</p> <p>20 Q. Then I want to talk to you about the</p> <p>21 procedures and processes in place at Purgatory jail</p> <p>22 to the best of your knowledge and what you did there</p> <p>23 as a job.</p> <p>24 A. Okay.</p> <p>25 Q. And then I want to speak with you</p>

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<p style="text-align: right;">30</p> <p>1 go to our supervisor, explain what we saw. If we 2 had an idea of where to move them, we could suggest 3 that. 4 There were times when if you had inmates 5 that got in a fight, well of course they had to be 6 moved. If there was a medical emergency -- well, we 7 wouldn't have anything to do with moving somebody 8 like that. That would be the medical department. 9 Q. Let me ask you a couple of followups 10 then. So let's just use the example of inmates who 11 got into a fight. 12 A. Uh-huh. 13 Q. What's the process then to have them 14 moved or separated? What do you have to do? 15 A. Depending on the extent of the injuries, 16 but you would always have them checked out by 17 medical. Usually if there were two combatants you 18 would have them checked out by medical and they 19 would both go to A block for lockdown, pending a 20 hearing. 21 Q. Okay. So A block was lockdown? 22 A. Yes. 23 Q. And did I misunderstand you earlier to 24 say F block was maximum security? 25 A. Yes. That was what they called that end</p>	<p style="text-align: right;">31</p> <p>1 of the jail because it was lockdown. It wasn't -- I 2 don't know -- anyway. 3 Q. So let me try to get to what I 4 understand the difference between maximum security 5 as used to describe F block and lockdown as used to 6 describe A block. 7 A. Right. 8 Q. What's the difference? 9 MR. MYLAR: And again objection. Lack 10 of foundation. Go ahead. 11 A. F block was intake. The inmates that 12 were able to go to general population but usually 13 there was no room to put them right into general 14 population, they waited in F block. A block, which 15 is lockdown, was punitive or they were waiting to 16 have a hearing pending -- they were there pending a 17 hearing. 18 Q. All right. So using my knowledge of old 19 movies, there's a term called solitary confinement. 20 A. Yes. 21 Q. You can tour Alcatraz and see where the 22 Birdman lived. Was A block like that, like solitary 23 confinement? 24 MR. MYLAR: Objection. Lack of 25 foundation.</p>
<p style="text-align: right;">32</p> <p>1 A. Impressions today, at least in our 2 facility, there was no such thing as solitary 3 confinement as a specific term. There were inmates 4 that refused to get along with other inmates and you 5 could call that solitary confinement but it was not 6 something that was used as a specific term. 7 Q. The term wasn't used. 8 A. No. 9 Q. Did A block have -- was it open between 10 the cells? Was there bars between the cells like 11 you see in the old western movies? 12 A. No, no bars. There were doors. Each 13 door had a window in it. 14 Q. How big was the window? 15 MR. MYLAR: Objection. Lack of 16 foundation. 17 Q. Well, if you know. 18 A. I want to say maybe 5 inches by 16 19 inches. 20 Q. And they would be in that room by 21 themselves. 22 A. Yes. Well, not specifically. They were 23 two-man cells, so there was two bunks in there. 24 Q. So just depending on how many inmates 25 were in that particular block then.</p>	<p style="text-align: right;">33</p> <p>1 A. Yes. 2 Q. They might be alone at times. They 3 might have a bunkmate at other times. 4 A. Right. 5 Q. Well, actually before we leave A, you 6 told us what the schedule was but I want to make 7 sure I'm clear. Were they allowed out of their 8 lockdown cells? 9 A. Yes. 10 Q. How often? 11 A. Well, you had different levels. There 12 was a level system for the inmates. In A block you 13 have level 1A, which is, I guess for lack of better 14 term, worst of the worst, depending on the charges 15 he was arrested on, behavior while he was in there, 16 and he did not -- those did not come out of their 17 cell without restraints on. 18 And then there was a level 1 and then 19 there were lockdown. Level 1s could come out seems 20 to me more than an hour a day if there was time but 21 the lockdowns came out I think an hour every day -- 22 every other day. 23 Q. Okay. At least every other day? 24 A. Yeah. 25 Q. And I'll ask you some specific questions</p>

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<p style="text-align: right;">34</p> <p>1 about Mr. Crowson here in a minute.</p> <p>2 A. Okay.</p> <p>3 Q. How often were the people in A block</p> <p>4 observed by a correctional officer?</p> <p>5 A. Well, we were required to walk through</p> <p>6 the sections at least once every hour and then if we</p> <p>7 had to go in there to conduct business, more than</p> <p>8 once an hour. They are constantly being watched</p> <p>9 from the control room. A block especially a lot of</p> <p>10 times would be listened to because they're yelling,</p> <p>11 communicating to each other.</p> <p>12 Q. Okay. Did they go out for meals or were</p> <p>13 meals brought to them?</p> <p>14 A. Meals were brought to them in their</p> <p>15 cells.</p> <p>16 Q. Was that done by correctional officers</p> <p>17 or was there separate staff that did that?</p> <p>18 A. No. Correctional officers would take</p> <p>19 them in.</p> <p>20 Q. Was it the type of situation where it</p> <p>21 was slid through the windows?</p> <p>22 A. There is a cuff port on the doors that</p> <p>23 is probably 4 inches by maybe 12 inches. There's a</p> <p>24 lock on it. You open that up and you slide the</p> <p>25 trays through that.</p>	<p style="text-align: right;">35</p> <p>1 Q. And then you receive the trays back the</p> <p>2 same way?</p> <p>3 A. In A block they had Styrofoam trays and</p> <p>4 so when they came out they were required to clean</p> <p>5 their cells. Sometime before the end of the day</p> <p>6 corrections staff would go in and collect all their</p> <p>7 garbage through their cuff port. We have a big</p> <p>8 garbage bag and they'd throw their garbage out.</p> <p>9 Q. They were Styrofoam trays?</p> <p>10 A. Yeah. The white Styrofoam trays that</p> <p>11 had a lid that folded over.</p> <p>12 Q. Okay. So everything was disposable?</p> <p>13 A. Yeah.</p> <p>14 Q. Was that to avoid having a situation</p> <p>15 where they would have something they could use to</p> <p>16 create a weapon?</p> <p>17 A. Yes.</p> <p>18 Q. Were they fed different food than the</p> <p>19 general population?</p> <p>20 A. No. Same food.</p> <p>21 Q. What was a typical menu?</p> <p>22 A. Depends on the supervisor of the</p> <p>23 kitchen. We had one guy out there that was buying a</p> <p>24 lot of pre-prepared food. They had another guy that</p> <p>25 they would cook everything. There was a lot of</p>
<p style="text-align: right;">36</p> <p>1 variety. I know at times there was probably a set</p> <p>2 menu.</p> <p>3 Q. Were they given fruit?</p> <p>4 A. Yes.</p> <p>5 Q. How often?</p> <p>6 A. At least once a day with breakfast,</p> <p>7 lunch or dinner. There was always fruit on one of</p> <p>8 the trays.</p> <p>9 Q. How were medications administered in A</p> <p>10 block?</p> <p>11 A. The nurses would come down and they</p> <p>12 would be escorted in by an officer and then they</p> <p>13 would go -- depending which inmates had medications</p> <p>14 we would go from door to door to door and they would</p> <p>15 be given their medications through the cuff door.</p> <p>16 Q. Okay. If an inmate was in A block,</p> <p>17 would they have access to anyone other than a</p> <p>18 correctional officer or a nurse?</p> <p>19 A. What do you mean access?</p> <p>20 Q. Was there any possibility for a person</p> <p>21 who is either not a nurse or correctional officer to</p> <p>22 come in contact with them?</p> <p>23 A. No.</p> <p>24 Q. Did the cells in A block have a toilet</p> <p>25 with running water?</p>	<p style="text-align: right;">37</p> <p>1 A. Yes.</p> <p>2 Q. Sink with running water?</p> <p>3 A. Yeah. It's all one unit.</p> <p>4 Q. Anything else in there besides a bunk,</p> <p>5 toilet and sink?</p> <p>6 A. There is a metal desktop that's embedded</p> <p>7 in the block wall and then there's a metal stool</p> <p>8 that's into the concrete floor. There's two of</p> <p>9 those.</p> <p>10 Q. Any drawers?</p> <p>11 A. No.</p> <p>12 Q. Closets?</p> <p>13 A. No.</p> <p>14 Q. Were they allowed to take any personal</p> <p>15 belongs into A block?</p> <p>16 A. At first, no, when they're locked down.</p> <p>17 But after they were -- well, I don't recall what the</p> <p>18 matrix was. I know that as a level 1, when you're</p> <p>19 not on lockdown status you're allowed minimal</p> <p>20 personal items, letters, pictures, not very much.</p> <p>21 But I don't recall the exact matrix for that.</p> <p>22 Q. And if you're on lockdown status, you're</p> <p>23 not allowed any personal items at all then.</p> <p>24 A. I don't believe so.</p> <p>25 Q. Let's move back to F block for a minute.</p>

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<p style="text-align: right;">38</p> <p>1 A. Okay.</p> <p>2 Q. This is where people who came in for</p> <p>3 intake, so the first place they were sent?</p> <p>4 A. Yes.</p> <p>5 Q. Did you mention there were detox cells</p> <p>6 in F block as well?</p> <p>7 A. No.</p> <p>8 Q. Where were detox cells?</p> <p>9 A. In booking.</p> <p>10 Q. They were in booking.</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And I thought F block and booking</p> <p>13 were the same thing.</p> <p>14 A. No. F block -- in max control the</p> <p>15 sections were kind of pie-shaped with the control</p> <p>16 room in the center so that's A, B, C, D, E and F.</p> <p>17 Q. Okay. And then booking is separate from</p> <p>18 that.</p> <p>19 A. Yes.</p> <p>20 Q. Were there specific cells that were</p> <p>21 designated as detox cells?</p> <p>22 A. There was one that actually had that on</p> <p>23 it, yes, in booking.</p> <p>24 Q. And when did inmates go to the detox</p> <p>25 cell?</p>	<p style="text-align: right;">39</p> <p>1 A. Generally when they were intoxicated,</p> <p>2 under the influence of something.</p> <p>3 Q. Who would make the decision to put</p> <p>4 someone in detox?</p> <p>5 MR. MYLAR: Objection. Lack of</p> <p>6 foundation.</p> <p>7 A. Specifically I couldn't tell you.</p> <p>8 Q. Could it be anyone on the floor?</p> <p>9 A. When somebody is under the influence of</p> <p>10 something it would -- well, I could guess but I</p> <p>11 don't know if you want me to guess.</p> <p>12 Q. Well, I don't want you to guess.</p> <p>13 A. I worked out there long enough to know</p> <p>14 that medical would be involved.</p> <p>15 Q. Okay.</p> <p>16 A. Somehow, some way, as well as whoever is</p> <p>17 supervising booking.</p> <p>18 Q. So as a correctional officer, if thought</p> <p>19 somebody was under the influence of something, would</p> <p>20 you report that to medical?</p> <p>21 A. Yes.</p> <p>22 Q. And then you would allow medical to take</p> <p>23 care of it or were there steps that you were also</p> <p>24 required to take as a correctional officer?</p> <p>25 A. It depended on the day. Sometimes the</p>
<p style="text-align: right;">40</p> <p>1 nurses would come down to us and sometimes they</p> <p>2 would have us bring the inmate to them.</p> <p>3 Q. How many correctional officers were on</p> <p>4 duty at any given time?</p> <p>5 A. Eight, nine, ten, 13, 14, 15, 16, 17 --</p> <p>6 I'm going to say somewhere between 15 and 19.</p> <p>7 Q. Do you know how many nurses were on duty</p> <p>8 at any given time?</p> <p>9 A. No. One, as far as I know. I know that</p> <p>10 during the day there were more. I have no knowledge</p> <p>11 of their schedule or access to it or anything.</p> <p>12 Q. Okay. For inmates who were in detox,</p> <p>13 were they still under the observation of the</p> <p>14 correctional officers?</p> <p>15 A. I believe so. They were not put in a</p> <p>16 medical cell so, yes, I believe they were under the</p> <p>17 observation of a correctional officer.</p> <p>18 Q. Did you receive any training on how to</p> <p>19 recognize whether someone was under the influence of</p> <p>20 alcohol?</p> <p>21 A. No.</p> <p>22 Q. Did you receive any training as to how</p> <p>23 to recognize whether someone was under the influence</p> <p>24 of medications or drugs?</p> <p>25 A. I don't believe so.</p>	<p style="text-align: right;">41</p> <p>1 Q. Did you receive any training on how to</p> <p>2 recognize symptoms of alcohol withdrawal?</p> <p>3 A. I don't recall that.</p> <p>4 Q. Do you know what the symptoms of alcohol</p> <p>5 withdrawal are?</p> <p>6 MR. MYLAR: Objection. Lacks</p> <p>7 foundation. Go ahead.</p> <p>8 Q. This is a foundational question. You</p> <p>9 can answer yes or no as to whether you know.</p> <p>10 A. No, not specifically.</p> <p>11 Q. Do you know what the symptoms of drug</p> <p>12 withdrawals are?</p> <p>13 A. Not specifically, no.</p> <p>14 Q. And setting aside -- I'm not claiming</p> <p>15 you're an expert in these things but do you</p> <p>16 generally have an idea what they are?</p> <p>17 A. No. Not -- a least for me, not</p> <p>18 specifically.</p> <p>19 Q. In your time at the prison, at the jail,</p> <p>20 I guess -- do you call it a jail or prison?</p> <p>21 A. Jail.</p> <p>22 Q. Jail?</p> <p>23 A. Yeah.</p> <p>24 Q. During your time at the jail did you</p> <p>25 ever recommend that an inmate be placed into the</p>